

REMARKS

In the December 6, 2004 Office Action, the specification is objected for lack of a summary and abstract of the disclosure, and claims 1-9, 17-22 and 26-27 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,355,871 to Hurley et al. Also, claims 11-15 and 23-25 are allowed.

By the present amendment, claims 1 and 27 are amended. Claims 1-9, 11-15, and 17-27 remain pending in the application with claims 1 and 11 being independent. Independent claim 1 is amended to clarify that the actuating pads of the collapsible cage are interdigitating, and dependent claim 27 is amended to correct a misspelling.

The rejection under 35 U.S.C. 102(b) is respectfully traversed because Hurley et al. fails to disclose, teach or suggest a collapsible cage having interdigitating actuating pads, as recited in amended independent claim 1. The rejection is addressed in detail below.

Specification

The specification is objected to for failing to include a summary and abstract of the disclosure. In response, the application is amended to include the titles of each section of the application in accordance with 37 C.F.R. 1.77. The summary of the invention begins on page 1 at line 17 and ends on page 6, line 7. Additionally, an Abstract of the Disclosure is attached hereto as a separate sheet. Therefore, Applicants submit that the requirement for a summary and abstract has been satisfied.

Claim Rejections – 35 U.S.C. 102

Claims 1-9, 17-22 and 26-27 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 5,355,871 to Hurley et al. However, Hurley et al. fails to disclose, teach or suggest a collapsible cage having a plurality of interdigitating actuating

pads, as recited in amended claim 1. Instead, Hurley et al. discloses ribs 107 that are radially spaced from one another and not interdigitated or interleaved. More specifically, Hurley et al. discloses a body controller 100 that is moveable between first and second positions. A flexible means 105 of the controller of Hurley et al. includes a series of radially spaced, laterally positioned ribs 107 (see col. 2, lines 59-61). The thumb is applied to the flexible means 105 to compress the inner wall and engage a top surface of a rib 107, thus causing the rib to elongate, thereby moving the body to the second position. The ribs 107 of Hurley et al. are not interdigitating or interleaved but are instead spaced from one another, as seen in Figs. 2 and 3.

Anticipation requires that every limitation of a claim must identically appear in a prior art reference. See *Gechter v. Davidson*, 43 U.S.P.Q. 2d 1030, 1032 (Fed. Cir. 1997). It is clear that the limitation of interdigitating actuating pads does not identically appear in Barnes et al. Absence from the prior art reference of any claimed element negates anticipation. See *Rowe v. Dror*, 42 U.S.P.Q.2d 1550, 1553 (Fed. Cir. 1997).

In view of the above, Applicants submit that claim 1 is not anticipated by Hurley et al., and therefore the rejection under 35 U.S.C. 102(b) should be withdrawn and the claim allowed.

Dependent claims 2-9, 17-22, 26 and 27 are also allowable for the same reasons. Moreover, these claims recite additional features that further distinguish them from the prior art including Hurley et al. For example, claim 2 recites that each pad has an inwardly extending groove and that the actuating device has a plurality of radially extending guides which engage a respective groove of each pad, and claim 7 recites that the actuating mechanism includes an override means for returning the actuating device from its actuated position to its rest position.

Allowable Subject Matter

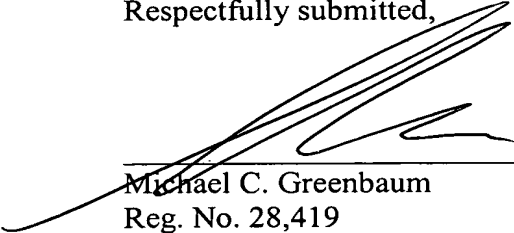
Applicants acknowledge and appreciate the indication of allowed claims 11-15 and 23-25.

* * *

In view of the foregoing, the application, including claims 1-9, 11-15 and 17-27, is believed to be in allowable condition. Prompt and favorable treatment is respectfully solicited.

Please charge any shortage of fees or credit any overpayment thereof to BLANK ROME, LLP, Deposit Account No. 23-2185 (000026-00030). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this report, Applicants hereby petition under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,



Michael C. Greenbaum
Reg. No. 28,419

BLANK ROME LLP
600 New Hampshire Avenue
Washington, D.C. 20037
(202) 772-5800

Dated: March 1, 2005